



**ST. JOSEPH'S COLLEGE OF NURSING**  
**at St. Joseph's Hospital Health Center**  
**Syracuse, New York**

**SJCON: CODE OF STUDENT CONDUCT POLICY**

**PURPOSE:**

As a learning community committed to the Franciscan ideals of truth and caring, St. Joseph's College of Nursing dedicates itself to maintaining the highest standards of integrity. Students must accept the responsibility to be honest and to respect moral, legal, and ethical standards in meeting their academic and clinical assignments and requirements.

Students at St. Joseph's College of Nursing are expected to conduct themselves in a manner supportive of the educational mission of the institution. Integrity, respect for the person and property of others, and a commitment to intellectual and personal growth in a diverse population are values deemed fundamental to membership in this College community.

Failure to comply with the Code of Student Conduct may result in a Student Conduct Board hearing. If the student is found in violation by the Student Conduct Board, The Vice President/Dean and Administration may give formal sanctions, which may include suspension or dismissal from the program.

St. Joseph's College of Nursing considers the following behavior, or attempts thereof, by any student, whether acting alone or with any other persons, to violate the Code of Student Conduct that follows:

1. Physical harm or threat of physical harm to any person or persons, including but not limited to: assault, sexual abuse, or other forms of physical abuse. Refer to the [Sexual Violence and Response Title IX Policy](#).
2. Harassment, whether physical or verbal, oral or written, which is beyond the bounds of protected free speech, directed at a specific individual(s), easily construed as "fighting words," by their very utterance, inflict injury or tend to incite an immediate breach of the peace. Refer to the [Hate, Bias, and Bullying Policy](#).
3. Conduct which threatens the mental/physical health or safety of any person or persons including but not limited to hazing, drug or alcohol abuse, and other forms of destructive behavior.
4. Unprofessional or dishonorable conduct or any violation of acceptable professional practice including but not limited to threatening, harassing or intimidating or any attempt to deceive, defraud, or injure patients, the public, faculty member, administrator, staff member, or other students.
5. Academic dishonesty, including but not limited to: plagiarism and cheating, and other forms of academic misconduct, for example; misuse of academic resources or facilities; inappropriate use of third party resources on independent assignments; misuse of computer software, data, equipment, or networks. Refer to the [Exam/Testing Policy](#) and the [Plagiarism Policy](#).

6. Intentional disruption or obstruction of lawful activities of the College or its members including their exercise of the right to assemble and to peaceful protest.
7. Vandalism, theft of, or damage to personal property; the property of a Hospital/College/ faculty member, administrator, staff member, or student's property or services or illegal possession/use of same.
8. Forgery, alteration, fabrication or misuse of identification cards, records, grades, diplomas, College documents, or misrepresentation of any kind to a College office or official.
9. Unauthorized entry, use, or occupation of Hospital/College facilities that are locked, closed, or otherwise restricted.
10. Disorderly conduct including, but not limited to: public intoxication, lewd, indecent or obscene behavior, libel, slander, and illegal gambling on Hospital/College property when engaged in student academic, social or clinical activities of the College.
11. Illegal manufacture, purchase, sale, use, possession, or distribution of alcohol, drugs, or controlled substances, or any other violation of the Drug Free Campus. Refer to the [Drug Free Community Policy](#).
12. Failure to comply with the lawful directives of Hospital officials who are performing the duties of their office, especially as they are related to the maintenance of safety or security.
13. Unauthorized possession, storage, or use of any weapon or ammunition including but not limited to stun-guns, firearms, BB-guns, air rifles, explosive devices, fireworks, or any other dangerous, illegal or hazardous object or material, and improper use as a weapon of any otherwise permitted object or material.
14. Interference with or misuse of fire alarms, elevators, or other safety and security equipment or programs.
15. Violation of any federal, state, or local law, which has a negative impact on the well-being of Hospital/College or its individual members.
16. Violation of policies, rules, or regulations that are published in the Student Handbook, or any Hospital/College/Trinity official publications or agreements.

The behaviors identified in the Student Code of Conduct as listed above could be determined to be acts of unprofessional conduct for licensed nurses as well as these behaviors do not conform with Provision 5 of the American Nurse Association Code of Ethics with interpretive statements. Specifically, the nurse has the responsibility to preserve the wholeness of integrity and character.

#### **New York Consolidated Laws, Education Law - (EDN § 6443). Students' bill of rights**

Every institution shall adopt and implement the following "Students' Bill of Rights" as part of its code of conduct which shall be distributed annually to students, made available on each institution's website, posted in campus residence halls and campus centers, and shall include links or information to file a report and seek a response, pursuant to [section sixty-four hundred forty-four](#), and the options for confidential disclosure pursuant to [section sixty-four hundred forty-six](#).

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

#### **STUDENT CONDUCT REVIEW BOARD PROCEDURE FOR ALLEGATIONS OF VIOLATIONS OF THE STUDENT CODE OF CONDUCT (OTHER THAN TITLE IX REVIEWS)**

1. Alleged violations of the Code of Student Conduct other *than those subject to Title IX procedures*, entitles the accused student of due process during the investigation and an impartial Student Conduct Review Board Hearing (the “Hearing”).
2. When one or more violations of the Code of Student Conduct is suspected, it is the responsibility of the faculty or staff that suspect such violation(s) to first discuss the matter with the student, and submit a written allegation(s) to the Dean of Academic Affairs, who shall serve as the Chairperson of the Student Conduct Review Board. If the Dean of Academic Affairs is unavailable or has a conflict of interest in the matter, the VP/Dean of the College of Nursing shall appoint another Dean to serve as the Chairperson.
3. When a student suspects misconduct of a peer, the student peer has a responsibility to report alleged misconduct to the lead instructor or relevant staff member. The reporting student, lead instructor or staff member must then submit the allegation(s) of misconduct to the Dean of Academic Affairs. If the matter proceeds to a Hearing, the reporting student is expected to participate as a witness at the scheduled Hearing, but he/she may request that the accused student provide their questions to the Chairperson so as to not be directly cross examined by another student. Alternatives to participation can be offered, upon request from the reporting student (such as participation via video conference, etc.).
4. The Dean of Academic Affairs shall review the matter with the VP/Dean of the College of Nursing, and meet with the accused student to discuss the alleged misconduct within **two (2) business days of receiving the complaint** and determine whether the allegations, if true, would constitute a violation(s) of the Code of Student Conduct, not covered under Title IX procedures<sup>1</sup>. If the determination is that it would constitute such a violation, the Dean of Academic Affairs shall implement these procedures set forth herein and shall maintain a detailed account of all documentation, emails, communication, etc. with regard to the students’

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<sup>1</sup> For matters involving allegations covered under *Title IX Procedures for Handling Complaints Involving Students Pursuant to Allegations of Sexual Misconduct or Gender-Based Harassment*, see *Title IX Policy* for more details  
<https://www.sjhcon.edu/titleix> Procedures for Handling Complaints Involving Students Pursuant to Allegations of Sexual Misconduct or Gender-Based Harassment

conduct/behaviors. The Dean of Academic Affairs in his or her capacity as Chairperson may also meet with relevant faculty/staff if necessary to gain clarity regarding any submitted documentation.

5. Interim Suspension. In cases where the VP/Dean of the College of Nursing is concerned that the student poses a potential threat to self or others or property, especially in clinical cases related to patient safety, the student's academic and clinical educational progression may be temporarily suspended by the VP/Dean of the College of Nursing. Pending the outcome of the Hearing and action by the VP/Dean of the College of Nursing, the suspension may be lifted without the imposition of sanctions or other actions.
6. The purpose of the Student Conduct Review Board is to review the circumstances giving rise to the allegation(s), afford the student with a Hearing and rights and due process as set forth herein in order to provide the student with sufficient opportunity to know the allegations, review the evidence supporting the allegations and respond to the allegation(s) and offer factual information in defense of the allegation(s) and make findings of fact to enable the VP/Dean of the College of Nursing to make the ultimate determinations regarding guilt or innocence and determine any necessary sanctions, including not limited to, probation, suspension or dismissal from the program.
7. The Student Conduct Review Board shall be comprised of five (5) members as follows:
  - The Dean of Academic Affairs serving as the Chairperson of the Student Conduct Review Board and preside over the Hearing;
  - The Dean of Student Services;
  - Two (2) Faculty, one (1) of whom is part of the program option the student is enrolled in; and
  - One (1) student who is currently enrolled in a different program option than the accused student.
8. Any student suspected of a violation(s) of the Student Code of Conduct has the right to due process prior to any formal decision. An accused student has the right to:
  - Receive written notification of the alleged incident or suspicion and specific allegations citing section(s) of the Student Code of Conduct alleged to have been violated with sufficient enough detail to allow the student to respond to the allegation(s) from the college's faculty or staff who made the accusation.
  - A presumption of innocence unless/until proven guilty.
  - An impartial Hearing and a written account of the Hearing procedures and verbal explanation of the process by the Dean of Academic Affairs if requested by the student.
  - Freedom to defend any and all accusation(s) of misconduct.
  - Know the members selected to serve on the Student Conduct Review Board and object in writing to any members who have a conflict of interest, with a description of the alleged conflict of interest. The VP/Dean of the College of Nursing shall make the final decision about whether any member shall be removed for potential conflict of interest and replaced with an individual free from conflict.
  - Know the witnesses participating at the Hearing and submit his or her own witnesses with factual information related to the matter and any mitigating evidence at the Hearing.
  - Submit witnesses and evidence prior to the hearing, to be considered by the committee.
  - Respond in writing to the charges before and submit a closing statement in writing following the Hearing.
  - An advisor/support person of their choice, excluding legal counsel, to attend the hearing with them (the student's advisor/support person may not speak on their behalf).
9. Hearings are considered closed meetings (i.e., only the participants and the recorder are permitted to attend). All persons involved in the Hearing, other than the accused student, are required to maintain confidentiality at all times and must sign a confidentiality agreement to not discuss the student conduct/behavior with anyone except those directly involved in the review of the matter.

10. Within **five (5) business days** of the Chairperson determining that a Hearing is required, the Chair shall:
  - Appoint the other members of the Student Conduct Review Board.
  - Set the date for the Hearing (to take place within the (5) business days' time frame, provided, however, that an extension of this timeline may be necessary, and can be requested by the student or the Chairperson, and approval is made at the discretion of the Chairperson.)
  - Issue a formal written Notice of Hearing with the time and place to the accused student, the Student Conduct Review Board and all witnesses, including copies of all documents relevant to the allegation(s). The accused student has two (2) business days upon receipt of Notice and supporting documentation to review and provide any additional mitigating evidence to the Chairperson, (which shall also be provided by the Chairperson to the Student Conduct Review Board).
  - Convene a Hearing. The participants at the Hearing shall consist of the following parties: The Student Conduct Review Board. The accused student and an advisor of the student's choosing if desired (this can be a peer, family member, faculty member, attorney or anyone else of the student's choosing but the advisor may not speak or actively participate in the Hearing and is allowed to be present to advise the student only). The referring faculty/staff member or student.
  - All appropriate fact witnesses at the discretion of the Chairperson. Character witnesses are not permitted.
11. Conduct of the Hearing. During the Hearing, the student is provided the opportunity to:
  - Speak on his/her behalf and/or read and submit a written statement, call witness and cross-examine any other witnesses presented at the Hearing and submit materials to be considered as mitigating evidence.
  - The faculty/staff may also present witnesses, and both the student and the Student Conduct Review Board members may question witnesses.
  - The College of Nursing shall ensure that an audio recording of the Hearing is made.
12. Burden of Proof; Standard of Review. The faculty/staff alleging the accusations carries the burden of proving the alleged misconduct. "Preponderance of the Evidence" is the threshold whereby all the information is determined by the Student Conduct Review Board to substantiate, more likely than not, the allegations. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Thus, one clearly knowledgeable witness may provide a preponderance of evidence over a dozen witnesses with hazy testimony. The "preponderance of the evidence" means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.
13. Deliberations. At the close of the Hearing, the Student Conduct Review Board shall deliberate in private and through majority vote, make a determination either to substantiate or not substantiate each and every allegation of violation of the Student Code of Conduct.
14. Findings. Within one (1) business day following the determination, the Chairperson shall submit the written findings to the VP/Dean of the College of Nursing. These findings are for informational purposes only for the VP/Dean of the College of Nursing who shall consider the findings of the Student Conduct Review Board and as the ultimate final finder of fact, shall determine whether the accused student was afforded all of the applicable procedural due process rights and whether the allegation(s) are or are not substantiated. If the VP/Dean of the College of Nursing substantiates any of the allegation(s), the VP/Dean shall determine, in their sole discretion, any appropriate sanctions to impose up to and including dismissal from the College.
15. The VP/Dean of the College of Nursing shall promptly issue a letter to the accused student, via email and certified mail advising of the findings of the Student Conduct Review Board and the VP/Dean's final determinations. If the allegations are substantiated, the letter shall also clearly state any sanctions imposed and whether sanctions are imposed or not, the letter shall also include a copy of the Grievance/Appeal procedures and shall clearly advise the student of his or her right to file such Grievance/Appeal and the time frame and manner for doing so.

**DOCUMENT CONTROL TRACKING FILE**

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| Title: SJCON: Code of Student Conduct   |  |
| Standard:<br>NIAHO: _____ CMS _____ ISO _____   |  |
| Document Owner: Vice President/Dean for SJCON   | Forms #:   |
| Reviewed by the following:  |  |
| Student Development and Campus Life Committee   | Date: 2/15, 5/16, 9/17, 2/19, 5/19                                 |
| SJH Legal Department Review   | Date: 8/20   |
| Faculty Staff Organization  | Date: 8/20 12/20   |
|   | Date:  |
|   | Date:  |
|   | Date:  |
| Administrative Approvals:   |  |
| Marianne Markowitz, Ed.D., RN, CNE<br>Vice President/Dean   | AnneMarie Walker-Czyz, RN, Ed.D<br>Chief Nursing Officer           |
| Additional Approvals:   |  |
| Education:  |  |
| Monthly policy/procedure update: 4/19 5/19 6/19   |  |
| Additional:   |  |
| Revisions:  |  |
| 4/19: Policy placed online  |  |
| 5/19: Corrected review dates. Changed Code of Conduct violations will result in a hearing.  |  |
| 8/20: Added the Student Code of Conduct Board Procedure Section; added the Honor and Integrity Code policy to the purpose of this policy; added ANA statement; links to policies; editorial changes; added Student Bill of Rights |  |
| 10/20: Added to #14 up to and including dismissal from the College.   |  |
| 12/20: Editorial changes; added clarity of VP/Dean purpose  |  |
| References:   |  |
| New York Consolidated Laws, Education Law - EDN § 6443. Students' bill of rights  |  |
| Original Date: 2/15   | Reviewed/Revision Dates: 2/15 5/16 9/17 2/19 5/19 8/20 10/20 12/20 |

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